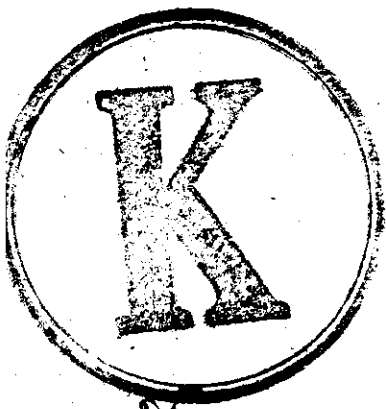




81
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1957

File No. *B. Agri. Pests & Diseases 157*

Legal Department

B BRANCH

Subject:—

L. A. Bill No. XLVIII of 1957

*A Bill to amend the Bombay
Agricultural pests and
Disease Act 1947*

*Bom. Act No. XXIII of
1957*

*219
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File No. *Bom. Agri. Pests & Diseases 157*

Gen. 194 e.

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ImmediateLegal Department.

A draft Bill incorporating the provisions of Bombay Ordinance No. I of 1951 (An Ordinance to amend the Bombay Agricultural Pests and Diseases Act, 1947) has been sent to A. & F.D. with U.R. No. 47-L dated the 23rd August 1951. As pointed out in that U.R., it is necessary to enact the provisions of the Ordinance into an Act within six weeks from the date on which the Council meets i.e. the 31st August 1951. Within this limited period it is necessary to complete all the stages i.e. publication of the Bill in the Gazette allowing sufficient notice to the Assembly to take up the Bill, passing of the Bill by the ~~Assembly~~ Assembly, allowing sufficient notice to the Council, passing of the Bill by the Council, submitting the authentic copy of the Bill as passed by both the Houses to the Governor, obtaining the assent of the President and publication of the Act in the Gazette^r in time. Copies of the Calendars of meetings of the Assembly and Council are enclosed, from which it will be seen that very few days are available for taking Bills in the ensuing session, particularly in the case of the Council. The A. & F.D. is requested to take immediate steps to obtain orders of Government for publication of the Bill in the Gazette and to see that all other stages are completed in good time.

ID/-

28/8.

Secretary to Government.

U.R. to Agricultural & Forests Department, No. 70-L,
dated the 28th August 1951.

MSR.



Immediate.

No. 226-L

Legal Department,
Council Hall, Poona,
26th September 1951.

From

Shri J.R. Dhurandhar,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay

Subject:- The Bombay Agricultural Pests
and Diseases (Amendment)
Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Agricultural Pests and Diseases (Amendment) Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 21st and the 26th September 1951, respectively.

2. The subject matter of the Bill falls under entries 14, 36 and 64 in List II and entries 2 and 42 in List III in the Seventh Schedule to the Constitution of India. As the Provisions of clause 2 of the Bill attract the operation of article 31(2) it is necessary to reserve the Bill for the consideration of the President with reference to article 31(3) of the Constitution.

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to the Bombay Legislature
Department, Council Hall, Poona.

GOVERNMENT HOUSE.

GANESHKHIND, POONA,

Sept. 27, 1951.

Subject: The Bombay Agricultural Pests and
Diseases (Amendment) Bill, 1951.

Sir,

With reference to the Bombay Agricultural Pests and Diseases (Amendment) Bill, 1951, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on September 21 and 26, 1951, respectively, I am directed to state, for the information of the Honourable the Speaker and the Chairman, that as the provisions of clause 2 of the ~~that~~ Bill attract the operation of article 31(2) of the Constitution of India, it is necessary to reserve the Bill for the consideration of the President with reference to article 31(3) of the Constitution. His Excellency the Governor has accordingly been pleased, under article 200 of the Cons-titution, to declare ~~under xx~~ that he reserves the Bill for the consideration of the President.

Yours faithfully,

Sd/- L.M. Nadkarni
Secretary to the Governor,
of Bombay.

.....

No. G.S.- 2585

Office of the Secretary to the Governor
Government House, Ganeshkhind,
Poona 7; September 27, 1951.

Copy forwarded with compliments for information to:-

- (1) The Secretary to Government, Legal Department, with reference to his letter No. 226-L, dated September 26, 1951.
- (2) The Secretary to Government, Agricultural and Forests Department.

Id/-

Secretary to the Governor.

51.

No. G.S.- 2669

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY.

TO

The Secretary to Government,
Legal Department,

GOVERNMENT HOUSE

GANESHKHIND, October 12, 1951.

Poona 7;

Subject: The Bombay Agricultural Pests and
Diseases (Amendment) Bill, 1951.

Sir,

With reference to the correspondence ending with your telegram No. 15913, dated October 6, 1951, I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Bombay Agricultural Pests and Diseases (Amendment) Bill, 1951, on October 10, 1951.

Yours faithfully,

Sd/-

for Secretary to the Governor
of Bombay.

MSR.
11/7.

ACTS.
Publication of the
Bombay Agricultural Pests and
Diseases (Amendment) Act, 1951.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 16183
Bombay Castle,
11th October 1951.

RESOLUTION: The law should be published as
Bombay Act No. XXXIII of 1951, in the Bombay
Government Gazette dated the 11th October 1951.

2. The Act should be translated into Marathi,
Gujarati, Kannada and Hindi (in Devnagari script)
and the translations should be published in the
Bombay Government Gazette.

3. A copy of the Act should be forwarded to
the Agriculture and Forests Department.

By order of the Governor of Bombay

SA/- K.J. Pathare,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay
(with a copy of the Act and with a request that
30 Gazette copies of the Act may be forwarded to
the Legal Department and 10 copies to the
Agriculture and Forests Department),
The Agriculture and Forests Department, }
* The Oriental Translator to Government, } with a
The Director of Publicity, Bombay, } copy
The Enquiry Officer for the Secretariat } of the
Bombay. } Act.

* with four extra copies of the Act,

MBR.

53.

No. G. S.- 2738

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY

TO

The Secretary to Government,
Legal Department.

GOVERNMENT HOUSE,

GANESHKHIND, October 18, 1951.

Poona 7;

Subject: The Bombay Agricultural Pests
and Diseases (Amendment) Bill,
1951.

Sir,

In continuation of my letter No. G.S.-2669,
dated October 12, 1951, I am directed to forward
herewith the authentic copy of the Bombay Agricultural Pests and Diseases (Amendment) Bill, 1951,
with the President's assent signified thereon.

Yours faithfully,

Sd/-

for Secretary to the Governor
of Bombay.

MSR.
11/7.

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261

L. A. BILL No. XLVIII OF 1951.

A Bill to amend the Bombay Agricultural Pests and Diseases Act, 1947.

(As read for the third time and passed by the Legislative Assembly
on the 21st September 1951.)

(As read for the third time and passed by the Legislative Council on the
26th September 1951.)

Bom.
XLIII
1947.

WHEREAS it is expedient to amend the Bombay Agricultural Pests and Diseases Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay Agricultural Pests and Diseases Short title.
(Amendment) Act, 1951.

Insertion of new sections 12A, 12B, 12C and 12D in Bom. XLIII of 1947.

2. After section 12 of the Bombay Agricultural Pests and Diseases Act, 1947, hereinafter called the said Act, the following sections shall be inserted, namely :—

Bom.
XLIII
1947.

Public to assist and to render service in carrying out preventive or remedial measures including destruction of locusts in case of locust menace.

“12A. (1) When any notified area in which locusts have been declared to be an insect pest under section 3 is invaded or is in danger of an invasion by locusts, the Collector or any officer appointed by him in this behalf may, with a view to facilitating preventive or remedial measures against locusts, by proclamation published in the manner hereinafter specified—

(a) call upon all male persons not below the age of 14 and above the age of 60 years and residing in the notified area to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts :

Provided that no person who, on account of physical infirmity, is incapable of rendering assistance or who resides at a distance of more than 5 miles from the place where his assistance is required, shall be called upon to render assistance under this clause ;

(b) require all or any male persons not below the age of 18 and above the age of 60 years and residing in the notified area to present themselves at such time and at such place and to such authority as may be specified in the proclamation and to render such service and for such time as may be required of them by the authority to whom they have presented themselves in pursuance of such proclamation :

Provided that no person who, on account of physical infirmity, is incapable of rendering such service shall be called upon to render service under this clause.

(2) When any person is called upon to render assistance under clause (a) of sub-section (1) the Collector or the officer appointed or any officer authorised by the Collector may direct such person to do or not to do any particular thing.

(3) Persons who are called upon to render service under clause (b) of sub-section (1) shall, in consideration of such service, be entitled to such payment as may be prescribed.

(4) A proclamation under sub-section (1) shall be published by beat of drum in the town or village and by affixing a copy thereof in chawdi or in some other public building or place in the town or village, as the case may be, and the statement in writing by the Collector or officer making the proclamation to the effect that the proclamation was duly published on a specified day, shall be conclusive evidence that the requirements of this section have been complied with and that the proclamation was published on such day.

(5) A proclamation under sub-section (1) shall cease to operate at the expiration of three months from the date of its issue unless before the expiration of the said period of three months, the State Government by public notice extends it to a further period not exceeding three months. The provisions of sub-section (4) shall *mutatis mutandis* apply to the publication of such public notice.

Power to requisition vehicles in case of locust menace.

12B. (1) When any notified area in which locusts have been declared to be an insect pest under section 3 is invaded or is in danger of an invasion by locusts, the Collector or any officer appointed by him in this behalf may, with a view to facilitating preventive or remedial measures against locusts, by order

in writing requisition any vehicle and make such other orders as may appear to him to be necessary or expedient in connection with such requisition. Any vehicle requisitioned under this section may then be used or dealt with in such manner as may appear to be necessary or expedient to the officer requisitioning the vehicle.

- (2) (i) Every order made under sub-section (1) shall,—
- (a) if it is an order affecting a corporation or a firm, be served in the manner provided for the service of a summons in rule 2 of Order XXIX or rule 3 of Procedure, 1908;
- (b) if it is an order affecting an individual owner other than a corporation or a firm, be served on the owner,—
- (i) personally by delivering or tendering to him the order, or
- (ii) by post, or
- (iii) where the owner cannot be found, by leaving an authentic copy of the order with some adult male member of the family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain;
- (c) if the ownership of the vehicle to be requisitioned is in dispute, be published in the *Official Gazette*.

(ii) Where a question arises whether a person or owner was duly informed of an order made in pursuance of sub-section (1) compliance with the requirements of this sub-section shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

(3) If the owner of the vehicle does not, after service of the order in the manner provided in sub-section (2), place the vehicle in possession of the officer or authority mentioned therein, such officer or authority, as the case may be, may seize the vehicle from any person who may for the time being be in possession thereof.

(4) No owner of any vehicle or any person in possession of it shall, after service or publication of an order under this section, remove or allow to be removed any part, tyre, tube or any other accessory or in any way damage the vehicle or permit it to be damaged so as to reduce the usefulness of such vehicle.

(5) When any vehicle is requisitioned under this section, there shall be paid to the owner such compensation, as may be agreed upon between him and the officer requisitioning the vehicle and in the absence of such agreement, such compensation as may be determined by the Collector. In determining the amount of compensation, the Collector shall take into consideration the loss caused to the owner by reason of requisition and also the model, make, type, class and condition of the vehicle at the time of requisition:

Provided that the maximum rate of compensation payable to the owner shall not exceed such rate per day as the State Government may, by general or special order, fix from time to time, having regard to the current rates of hire of such vehicles prevailing in the district during the period of requisition.

The order determining the compensation made under this sub-section shall be served in the manner provided in sub-section (2).

(6) The officer requisitioning any vehicle may at any time release the vehicle from requisition and when it is decided to do so, a notice in writing shall be served on the owner in the manner provided in sub-section (2) to take delivery of the vehicle on or before such date and from such place and person as may be specified therein.

(7) When such notice is served, with effect from such date no further liability for compensation or payment of any other kind shall accrue for requisitioning the vehicle :

Provided that the officer requisitioning the vehicle may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisition as may be assessed by the Collector.

(8) The delivery of possession of the vehicle to the owner or his accredited agent shall be a full discharge of any liability of the State Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered.

(9) If the owner fails to take delivery of the vehicle on or before the specified date the officer who passed the order of release of the vehicle may dispose of the same thereafter in the manner provided in sub-section (10) :

Provided that such officer shall be competent to allow the owner such extension of time as he deems proper without any liability for any compensation or other payment for the period of extension.

(10) The disposal of a vehicle under sub-section (9) shall be by public auction and at the risk of the owner and the sale proceeds shall be made over to the owner after deducting any expenditure incurred by the officer releasing the vehicle from requisition due to the owner not taking delivery of it on or before the specified date.

(11) The Collector or the officer appointed by him in this behalf may, with a view to requisitioning any vehicle under this section or determining the compensation payable for such requisitioning, by order in writing—

(a) require any person to furnish to such officer or authority as may be specified in the order such information in his possession relating to the vehicle as may be specified ;

(b) direct that the owner or the person in possession of the vehicle shall not without his permission dispose it of or remove it till the expiry of such period as may be specified in the order from the premises or the place in which it is kept.

Explanation.—For the purposes of this section—

(a) “ owner ” includes in relation to a vehicle which is the subject of a hire purchase agreement the person in possession of the vehicle under the agreement ;

(b) “ vehicle ” means any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads, whether propelled by mechanical power or not.

12C. (1) Every order passed under section 12B, including any order determining compensation for requisitioning vehicles shall be appealable to the Collector if it is passed by any officer lower in rank than that of a Collector and to the prescribed authority if it is passed by the Collector.

Appeal
against orders
passed under
section 12B.

(2) Such appeal shall be presented within 30 days of the date on which the order appealed against was served on the appellant.

(3) Every order passed in such appeal shall be final.

12D. Without prejudice to any powers otherwise conferred by this Act, any Special powers of entry and inspection may enter and inspect any premises or vehicle for the purpose of ascertaining or determining whether, and in what manner any order under section 12A or 12B should be made or with a view to securing compliance with any order made thereunder."

namely:—

Insertion of new sections 13A and 13B in Bom. XLIII of 1947.

"13A. (1) Whoever without reasonable excuse fails to render in the manner further penalties required any assistance or service which he is required to do or to abstain from doing in pursuance of a proclamation under section 12A shall, on conviction, be punished with fine which may extend to rupees fifty.

(2) Whoever contravenes any order made under section 12B or does anything in contravention of the provisions of the said section shall, on conviction, be punished with fine which may extend to rupees five hundred.

(3) Whoever voluntarily obstructs or offers any resistance to or impedes or otherwise interferes with—

(a) any officer or person exercising any powers or performing any duties conferred or imposed on him by or in pursuance of the provisions of this Act or otherwise discharging any lawful functions in connection with preventive or remedial measures taken or to be taken against locusts under the provisions of this Act or any proclamations, orders or directions made or given thereunder, or

(b) any person who is carrying out the orders or directions of any such officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of this Act or any proclamations, orders or directions made or given thereunder,

shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to rupees five hundred or with both.

13B. Offences under section 13A shall be tried in accordance with the provisions contained in sections 262 to 265 of the Code of Criminal Procedure, 1898, "Special procedure regarding trial of certain offences.

4. In section 17 of the said Act, in sub-section (2), after clause (ii) the following clauses shall be inserted, namely:—
 "(ii-a) the payment of remuneration to persons for the services required to be rendered under section 12A;
 "(ii-b) the payment of remuneration to persons for the services required to be rendered under section 12A;

265

(ii-b) the authority to whom appeals may be made under section 12C against the orders of the Collector and the procedure to be followed in respect of such appeals;”.

Repeal.

5. (1) The Bombay Agricultural Pests and Diseases (Amendment) Ordinance, 1951, is hereby repealed.

(2) Provided that all rules prescribed, appointments or authorisations made, proclamations issued, powers conferred, orders made or served, penalty incurred, appeals made under the said Ordinance and orders and directions made in pursuance of any proclamation issued under the said Ordinance shall be deemed to have been prescribed, made, issued, conferred, served and incurred, as the case may be, under this Act.

(3) Nothing in sub-section (1) shall be deemed to affect —

(a) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act;

(b) any penalty or punishment incurred or inflicted in respect of any act before such commencement;

(c) any legal proceedings or remedy in respect of such right, obligation, liability, penalty or anything done or suffered before such commencement; and any such legal proceedings or remedy may be instituted, continued or enforced as if this Act had not been passed.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLVIII OF 1951.]

**(As read for the third time and passed by the
Legislative Assembly on the 21st
September 1951.)**

**(As read for the third time and passed by
the Legislative Council on the 26th
September 1951.)**

**A Bill to amend the Bombay Agricultural
Pests and Diseases Act, 1947.**

[Shri. M. P. PATIL, M.L.A.]



The
Bombay Government Gazette
 PUBLISHED BY AUTHORITY

THURSDAY, 11TH OCTOBER 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated
 and Regulations made by the Governor.

CONTENTS

	PAGES
BOMBAY ACT No. XXXIII OF 1951—An Act to amend the Bombay Agricultural Pests and Diseases Act, 1947	192-197

The following Act of the Bombay Legislature having been assented to by the President on the 10th October 1951 is hereby published for general information.

J. R. DHURANDHAR,
 Secretary to the Government of Bombay,
 Legal Department.

BOMBAY ACT No. XXXIII OF 1951.

*(First published, after having received the assent of the President, in the
 "Bombay Government Gazette" on the 11th October 1951.)*

An Act to amend the Bombay Agricultural Pests and Diseases Act, 1947.

WHEREAS it is expedient to amend the Bombay Agricultural Pests and Diseases Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Agricultural Pests and Diseases Short title. (Amendment) Act, 1951.

Insertion of
new sections
12A, 12B, 12C
and 12D in
Bom. XLIII
of 1947.

2. After section 12 of the Bombay Agricultural Pests and Diseases Act, 1947, hereinafter called the said Act, the following sections shall be inserted, namely :—

Bom.
XLIII
1947.

Public to
assist and to
render service
in carrying
out preven-
tive or re-
medial mea-
sures includ-
ing destruc-
tion of locusts
in case
of locust
menace.

"12A. (1) When any notified area in which locusts have been declared to be an insect pest under section 3 is invaded or is in danger of an invasion by locusts, the Collector or any officer appointed by him in this behalf may, with a view to facilitating preventive or remedial measures against locusts, by proclamation published in the manner hereinafter specified—

(a) call upon all male persons not below the age of 14 and above the age of 60 years and residing in the notified area to render all possible assistance in carrying out preventive or remedial measures and in the destruction of locusts :

Provided that no person who, on account of physical infirmity, is incapable of rendering assistance or who resides at a distance of more than 5 miles from the place where his assistance is required, shall be called upon to render assistance under this clause ;

(b) require all or any male persons not below the age of 18 and above the age of 60 years and residing in the notified area to present themselves at such time and at such place and to such authority as may be specified in the proclamation and to render such service and for such time as may be required of them by the authority to whom they have presented themselves in pursuance of such proclamation :

Provided that no person who, on account of physical infirmity, is incapable of rendering such service shall be called upon to render service under this clause.

(2) When any person is called upon to render assistance under clause (a) of sub-section (1) the Collector or the officer appointed or any officer authorised by the Collector may direct such person to do or not to do any particular thing.

(3) Persons who are called upon to render service under clause (b) of sub-section (1) shall, in consideration of such service, be entitled to such payment as may be prescribed.

(4) A proclamation under sub-section (1) shall be published by beat of drum in the town or village and by affixing a copy thereof in chawdi or in some other public building or place in the town or village, as the case may be, and the statement in writing by the Collector or officer making the proclamation to the effect that the proclamation was duly published on a specified day, shall be conclusive evidence that the requirements of this section have been complied with and that the proclamation was published on such day.

(5) A proclamation under sub-section (1) shall cease to operate at the expiration of three months from the date of its issue unless before the expiration of the said period of three months, the State Government by public notice extends it to a further period not exceeding three months. The provisions of sub-section

(4) shall *mutatis mutandis* apply to the publication of such public notice:

Power to
requisition
vehicles in
case of locust
menace.

12B. (1) When any notified area in which locusts have been declared to be an insect pest under section 3 is invaded or is in danger of an invasion by locusts, the Collector or any officer appointed by him in this behalf may, with a view to facilitating preventive or remedial measures against locusts, by order

in writing requisition any vehicle and make such other orders as may appear to him to be necessary or expedient in connection with such requisition. Any vehicle requisitioned under this section may then be used or dealt with in such manner as may appear to be necessary or expedient to the officer requisitioning the vehicle.

(2) (i) Every order made under sub-section (1) shall,—

- (a) if it is an order affecting a corporation or a firm, be served in the manner provided for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;
- (b) if it is an order affecting an individual owner other than a corporation or a firm, be served on the owner,—
- (i) personally by delivering or tendering to him the order, or
- (ii) by post, or
- (iii) where the owner cannot be found, by leaving an authentic copy of the order with some adult male member of the family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain;
- (c) if the ownership of the vehicle to be requisitioned is in dispute, be published in the *Official Gazette*.

(ii) Where a question arises whether a person or owner was duly informed of an order made in pursuance of sub-section (1) compliance with the requirements of this sub-section shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

(3) If the owner of the vehicle does not, after service of the order in the manner provided in sub-section (2), place the vehicle in possession of the officer or authority mentioned therein, such officer or authority, as the case may be, may seize the vehicle from any person who may for the time being be in possession thereof.

(4) No owner of any vehicle or any person in possession of it shall, after service of publication of an order under this section, remove or allow to be removed any part, tyre, tube or any other accessory or in any way damage the vehicle or permit it to be damaged so as to reduce the usefulness of such vehicle.

(5) When any vehicle is requisitioned under this section, there shall be paid to the owner such compensation, as may be agreed upon between him and the officer requisitioning the vehicle and in the absence of such agreement, such compensation as may be determined by the Collector. In determining the amount of compensation, the Collector shall take into consideration the loss caused to the owner by reason of requisition and also the model, make, type, class and condition of the vehicle at the time of requisition:

Provided that the maximum rate of compensation payable to the owner shall not exceed such rate per day as the State Government may, by general or special order, fix from time to time, having regard to the current rates of hire of such vehicles prevailing in the district during the period of requisition.

The order determining the compensation made under this sub-section shall be served in the manner provided in sub-section (2).

(6) The officer requisitioning any vehicle may at any time release the vehicle from requisition and when it is decided to do so, a notice in writing shall be served on the owner in the manner provided in sub-section (2) to take delivery of the vehicle on or before such date and from such place and person as may be specified therein.

(7) When such notice is served, with effect from such date no further liability for compensation or payment of any other kind shall accrue for requisitioning the vehicle :

Provided that the officer requisitioning the vehicle may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisition as may be assessed by the Collector.

(8) The delivery of possession of the vehicle to the owner or his accredited agent shall be a full discharge of any liability of the State Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered.

(9) If the owner fails to take delivery of the vehicle on or before the specified date the officer who passed the order of release of the vehicle may dispose of the same thereafter in the manner provided in sub-section (10) :

Provided that such officer shall be competent to allow the owner such extension of time as he deems proper without any liability for any compensation or other payment for the period of extension.

(10) The disposal of a vehicle under sub-section (9) shall be by public auction and at the risk of the owner and the sale proceeds shall be made over to the owner after deducting any expenditure incurred by the officer releasing the vehicle from requisition due to the owner not taking delivery of it on or before the specified date.

(11) The Collector or the officer appointed by him in this behalf may, with a view to requisitioning any vehicle under this section or determining the compensation payable for such requisitioning, by order in writing—

(a) require any person to furnish to such officer or authority as may be specified in the order such information in his possession relating to the vehicle as may be specified ;

(b) direct that the owner or the person in possession of the vehicle shall not without his permission dispose of or remove it till the expiry of such period as may be specified in the order from the premises or the place in which it is kept.

Explanation.—For the purposes of this section—

(a) “owner” includes in relation to a vehicle which is the subject of a hire purchase agreement the person in possession of the vehicle under the agreement ;

(b) “vehicle” means any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads, whether propelled by mechanical power or not.

12C. (1) Every order passed under section 12B, including any order determining compensation for requisitioning vehicles shall be appealable to the Collector if it is passed by any officer lower in rank than that of a Collector and to the prescribed authority if it is passed by the Collector.

Appeal
against orders
passed under
section 12B.

(ii-b) the authority to whom appeals may be made under section 12C against the orders of the Collector and the procedure to be followed in respect of such appeals;”.

Repeal.

5. (1) The Bombay Agricultural Pests and Diseases (Amendment) Ordinance, 1951, is hereby repealed.

B.
O.
nances
I of
1951.

(2) Provided that all rules prescribed, appointments or authorisations made, proclamations issued, powers conferred, orders made or served, penalty incurred, appeals made under the said Ordinance and orders and directions made in pursuance of any proclamation issued under the said Ordinance shall be deemed to have been prescribed, made, issued, conferred, served and incurred, as the case may be, under this Act.

(3) Nothing in sub-section (1) shall be deemed to affect—

(a) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act;

(b) any penalty or punishment incurred or inflicted in respect of any act before such commencement;

(c) any legal proceedings or remedy in respect of such right, obligation, liability, penalty or anything done or suffered before such commencement; and any such legal proceedings or remedy may be instituted, continued or enforced as if this Act had not been passed.

(2) Such appeal shall be presented within 30 days of the date on which the order appealed against was served on the appellant.

(3) Every order passed in such appeal shall be final.

12D. Without prejudice to any powers otherwise conferred by this Act, any Special person authorised in this behalf by the State Government may enter and inspect any premises or vehicle for the purpose of ascertaining or determining whether, and if so, in what manner any order under section 12A or 12B should be made or with a view to securing compliance with any order made thereunder."

3. After section 13 of the said Act, the following sections shall be inserted, namely :—

Insertion of
new sections
13A and 13B
in Bom.
XLIII of
1947.

"13A. (1) Whoever without reasonable excuse fails to render in the manner required any assistance or service which he is required to render or to do anything or to abstain from doing anything which he is required to do or to abstain from doing in pursuance of a proclamation under section 12A shall, on conviction, be punished with fine which may extend to rupees fifty."

(2) Whoever contravenes any order made under section 12B or does anything in contravention of the provisions of the said section shall, on conviction, be punished with fine which may extend to rupees five hundred.

(3) Whoever voluntarily obstructs or offers any resistance to or impedes or otherwise interferes with—

(a) any officer or person exercising any powers or performing any duties conferred or imposed on him by or in pursuance of the provisions of this Act or otherwise discharging any lawful functions in connection with preventive or remedial measures taken or to be taken against locusts under the provisions of this Act or any proclamations, orders or directions made or given thereunder, or

(b) any person who is carrying out the orders or directions of any such officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of this Act or any proclamations, orders or directions made or given thereunder,

shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to rupees five hundred or with both.

13B. Offences under section 13A shall be tried in accordance with the provisions contained in sections 262 to 265 of the Code of Criminal Procedure, 1898."

Special pro-
cedure re-
garding trial
of certain
offences.

4. In section 17 of the said Act, in sub-section (2), after clause (ii) the following clauses shall be inserted, namely :—

"(ii-a) the payment of remuneration to persons for the services required to be rendered under section 12A;

Amendment
of section 17
of Bom. XL-
III of 1947.